

**Subject:** Westpoint Harbor: June 7 Sign Plan and other issues

**Date:** Monday, June 19, 2017 at 5:38:47 PM Pacific Daylight Time

**From:** Zeppetello, Marc@BCDC

**To:** David Smith, Mark Sanders

**CC:** McCrea, Brad@BCDC, Klein, Adrienne@BCDC, Gaffney, Andrea@BCDC, Trujillo, Matthew@BCDC, Zeppetello, Marc@BCDC

David,

I am writing to follow up on our conversation last Monday, June 12, regarding the proposed signage plan submitted by Mr. Sanders on June 7, and a couple of other Westpoint Harbor BCDC permit issues.

#### Signage Plan

Last Monday, I informed you that the signage plan is facially inadequate to meet the permit's signage requirements. I also advised that the plan does not appear to conform to BCDC's Public Access Signage Guidelines, and shared preliminary comments on the plan provided to me informally by BCDC's Bay Design Analyst, Andrea Gaffney. To expedite approval of a satisfactory signage plan, I requested that Mr. Sanders withdraw his June 7 proposed plan and commit to submit a new or revised signage plan prepared by a professional by a date certain, such as June 30. You have not responded to this request, so we assume Mr. Sanders refuses to withdraw the clearly inadequate plan and that Andrea needs to schedule time to review and comment on his June 7 submission. If that assumption is incorrect, please let us know as soon as possible.

I also explained last week that under the current permit there are no restrictions on the hours of public access at Westpoint Harbor, informed you that Mr. Sanders should not install any sign, as proposed in his June 7 signage plan, restricting the hours of public access, and further advised that if he erects such a sign, staff would consider it a knowing and intentional violation of the permit. When I visited the site yesterday, I observed that Mr. Sanders has in fact erected a sign at the entrance to the marina restricting the hours of public access. See photo attached. If this sign is not removed by Wednesday, June 21, this is to inform you that BCDC staff will allege that installation and maintenance of this sign is a separate violation from all other public access and signage violations, and we will seek penalties of \$1,000 per day for this violation commencing June 21. To avoid staff making this allegation and seeking such penalties, please submit a date-stamped photograph of this same location showing that this sign is no longer present.

During our call, I asked whether Mr. Sanders has consulted with the USFWS or CA Department of Fish and Wildlife regarding the proposed sign to be installed at the boat launch to inform the public of the access restrictions on Greco Island and other wetlands of the national wildlife refuge. If Mr. Sanders has consulted with the resources agencies regarding this sign, I asked that you provide documentation of that consultation. You have not responded to this request. For your information, I have forwarded a photograph of the sign, as recently installed by Mr. Sanders at the boat launch, to Anne Morkill at the USFWS, to ask whether Mr. Sanders has consulted with her agency regarding this sign and whether the sign (and whether a single sign at the boat launch) is acceptable to USFWS.

I also noted that the public can rent kayaks and stand-up paddle boats at unauthorized dock used by 101 Surf Sports and that because this use is unauthorized, there is no signage requirement at that location to inform the public of the access restrictions on Greco Island and other wetlands of the national wildlife refuge. To avoid signage violations, I requested that you and Mr. Sanders agree to prepare a flier that the operators of 101 Surf Sports would agree to provide to their customers to inform them of these public access restrictions. You have not responded to this request.

#### Temporary Fence of Phase 3 Building Sites

During my site visit yesterday, I noted that the temporary fencing of the Phase 3 building sites is almost completed.

Given the estimate provided in your May 15 email that it would take take approximately one week to install the fence, "and certainly not more than two (weather permitting)," it appears that the fence should be completed this week. If that is not the case, please let me know the reason for any delay and the estimated completion date.

In my June 9th email, staff requested that Mr. Sanders provide further information regarding the requested gate for emergency access (and access to utilities) so that we could approve that gate by plan review. No information has been provided in response to that request.

During my site visit yesterday, I observed that Mr. Sanders has installed steel or aluminum fence posts that appear to be for a pedestrian access gate at the location where he had requested, but staff had declined to approve (by my June 9 email), a 4-foot gate. (In contrast to steel or aluminum posts, the temporary fencing is generally supported by posts pushed or hammered into the ground.) This is to inform you that if Mr. Sanders installs a 4-foot gate at that or any other location, or installs a second gate for vehicle access, BCDC staff will allege that each unauthorized gate is a separate knowing and intentional violation of the permit and will seek penalties of \$1,000 per day for each violation.

#### Buoy In Westpoint Slough

Finally, we discussed that Citizens Committee to Complete the Refuge has provided photographic evidence that Mr. Sanders has installed a buoy in Westpoint Slough that identifies the speed limit as 10 miles per hour, which violates the permit requirement that he install a buoy to identify a "No Wake" speed zone. During our call, I requested that Mr. Sanders agree to promptly replace the existing buoy designating a 10 mph speed zone with a buoy identifying a "No Wake" speed zone. You have not responded to this request.

Regards, Marc

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**From:** Mark Sanders <[mark@westpointharbor.com](mailto:mark@westpointharbor.com)>

**Date:** Wednesday, June 7, 2017 at 12:36 PM

**To:** "Buehmann, Erik@BCDC" <[erik.buehmann@bcdca.gov](mailto:erik.buehmann@bcdca.gov)>

**Cc:** Marc Zeppetello <[Marc.Zeppetello@bcdca.gov](mailto:Marc.Zeppetello@bcdca.gov)>, David Smith <[dsmith@sticeblock.com](mailto:dsmith@sticeblock.com)>, "Klein, Adrienne@BCDC" <[adrienne.klein@bcdca.gov](mailto:adrienne.klein@bcdca.gov)>, Mark Sanders <[mark@westpointharbor.com](mailto:mark@westpointharbor.com)>, "McCrea, Brad@BCDC" <[brad.mccrea@bcdca.gov](mailto:brad.mccrea@bcdca.gov)>

**Subject: New Sign Plan**

Hello Erik,

attached is the cover letter and PDF file for the **Public Access Sign Plan** at Westpoint Harbor as requested.  
I also posted a hard copy and large-format drawing today.

Best regards,

mark